

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

THE STATE OF NEW JERSEY,

Plaintiff-Intervenor,

v.

BURLINGTON RESINS, INC.,
doing business as
COLORITE SPECIALTY RESINS,

Defendant.

Civil Action No. 08CV 4132 (RBK)

CONSENT DECREE

except when it is necessary to add or remove waste. In the alternative, Colorite will certify, by no less than 30 days after the Effective Date of this Consent Decree, that it has revised its procedures and now empties chip buckets immediately into a labeled, covered storage container, thereby avoiding the issue of satellite accumulation and eliminating the open hoppers, modified to include screens in the bottoms and sides, that were in use at the time of the September 2004 inspection.

32. By no later than 30 days after the Effective Date of this Consent Decree, Colorite shall modify training procedures such that all personnel in applicable areas of the Facility must carry radios and complete radio check-out forms prior to going on duty when working alone in accordance with 40 C.F.R. § 265.34 (1993) (N.J.A.C. 7:26G-9.1(a)) and 40 C.F.R. § 262.34 (1993) (N.J.A.C. 7:26G-6.1(a)).

TSCA

33. Colorite shall comply with 40 C.F.R. § 761.20(a), 40 C.F.R. § 761.30(a)(1)(vi), 40 C.F.R. 761.30(a)(1)(x), 40 C.F.R. § 761.60(a) and 40 C.F.R. § 761.207(a).

34. Colorite shall remove from service at the Facility one of the six PCB Transformers no later than 15 days after the Effective Date of this Decree, but no later than September 30, 2008. Colorite shall remove from service at the Facility two of the six PCB Transformers no later than December 30, 2008, with the remaining three PCB Transformers to be removed from service no later than September 30, 2009. Within 5 days of the removal from service of such PCB Transformer(s), Colorite shall send any such transformer(s) off-site to a TSCA-approved disposal facility for disposal in accordance with the disposal provisions of 40 C.F.R. Part 761. Within 30 days of the actual disposal of such transformer(s) at such disposal facility, Colorite shall notify

EPA, Region 2, in accordance with provisions of Section IX (Notices), that such transformer(s) has been sent to a TSCA-approved disposal facility. Such notification shall identify the name of the disposal facility, when the transformer(s) was shipped from the Colorite facility, the method by which disposal occurred, and when actual disposal of said transformer(s) occurred. The notice shall also include appropriate documentation from said disposal facility attesting to the transportation and disposal of such transformer(s), including PCB manifests as required by 40 C.F.R. Part 761, Subpart K.

Additional Injunctive Relief

35. Third-Party Audit. Colorite shall arrange for a third-party audit of all operations at the Facility to identify areas of non-compliance with all applicable federal, state and local environmental requirements and the requirements of this Consent Decree that are effective as of the date of the audit. Colorite shall bear the costs of the audit. The audit shall proceed as follows:

a. Within 30 days of the Effective Date of this Consent Decree, Colorite shall propose to EPA in writing an individual or entity to conduct an initial audit of the Facility's operations.

b. EPA shall either approve or disapprove the proposed auditor. If EPA disapproves the auditor, Colorite shall propose in writing an alternative auditor within 30 days of EPA's disapproval. Colorite shall continue to propose in writing alternative auditors within 30 days of any EPA disapproval until EPA approves a proposed auditor.

c. Once EPA approves Colorite's proposed auditor, Colorite shall schedule the audit of the Facility within 60 days of EPA's approval. The audit shall comply with the